

REMARKS

Claim Rejections

Claims 21-24 and 29-31 are rejected under 35 U.S.C. § 102(b) as being anticipated by Lin (U.S. 6,267,627). Claims 25 and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lin. Claims 26 and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lin and further in view of Yen (U.S. 6,547,600). Claim 32 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Lin and further in view of Klemp (U.S. 4,679,884).

Drawings

The Examiner has objected to the drawings under 37 C.F.R. § 1.83(a) insofar as the flat housing having a square shape, referred to in Applicant's claim 27, was not illustrated in the figures. Since the term has been deleted from Applicant's amended claims, it is not believed that any drawing corrections are necessary.

New Claims

By this Amendment, Applicant has canceled claims 23 and 24, and amended 21 and 27 of this application. It is believed that the amended claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

The primary reference to Lin teaches an electrical plug having a fuse (2) connected at a first end to one side of a terminal of a ground prong (4) and at a second end to one side of a terminal of a power prong (3). The fuse is connected at a middle section to mounting appendages (131) of a chamber cover (13). The wire (6) is connected to one power prong (3) and the ground prong (4).

Lin does not teach a second conductive plate (30) having a second containing slot (31) containing and fixing a first end of the fuse; a fuse seat having a third containing slot containing and fixing a second end of the fuse; the fuse seat having a fourth containing slot containing and fixing the second conductive wire of the power cable; the first containing slot is located between the first conductive plate and

a first side wall spaced apart from the first conductive plate; an end of the first conductive plate is connected to the first side wall by a first bottom wall; the first containing slot having a predetermined width for selectively accommodating the first conductive wire; the second containing slot is located between the second conductive plate and a second side wall spaced apart from the second conductive plate; an end of the second conductive plate is connected to the second side wall by a second bottom wall; nor does Lin teach the second containing slot having a predetermined width for selectively accommodating the fuse.

It is axiomatic in U.S. patent law that, in order for a reference to anticipate a claimed structure, it must clearly disclose each and every feature of the claimed structure. Applicant submits that it is abundantly clear, as discussed above, that Lin does not disclose each and every feature of Applicant's amended claims and, therefore, could not possibly anticipate these claims under 35 U.S.C. § 102. Absent a specific showing of these features, Lin cannot be said to anticipate any of Applicant's amended claims under 35 U.S.C. § 102.

The secondary reference to Yen teaches a engaging structure for electrical wires of a plug including a pin (31) connected to an electrical wire (3), an electrical prong (4), and a fuse connected at a first end to the pin (31) and at a second end to two ends of the electrical prong.

Yen does not teach the first containing slot is located between the first conductive plate and a first side wall spaced apart from the first conductive plate; an end of the first conductive plate is connected to the first side wall by a first bottom wall; the first containing slot having a predetermined width for selectively accommodating the first conductive wire; the second containing slot is located between the second conductive plate and a second side wall spaced apart from the second conductive plate; an end of the second conductive plate is connected to the second side wall by a second bottom wall; nor does Yen teach the second containing slot having a predetermined width for selectively accommodating the fuse.

The secondary reference to Klemp teaches a fused electrical plug and is cited for teaching a ground terminal (17).

Klemp does not teach the first containing slot is located between the first conductive plate and a first side wall spaced apart from the first conductive plate; an end of the first conductive plate is connected to the first side wall by a first bottom wall; the first containing slot having a predetermined width for selectively accommodating the first conductive wire; the second containing slot is located between the second conductive plate and a second side wall spaced apart from the second conductive plate; an end of the second conductive plate is connected to the second side wall by a second bottom wall; nor does Klemp teach the second containing slot having a predetermined width for selectively accommodating the fuse.

Even if the teachings of Lin, Yen, and Klemp were combined, as suggested by the Examiner, the resultant combination does not suggest: the first containing slot is located between the first conductive plate and a first side wall spaced apart from the first conductive plate; an end of the first conductive plate is connected to the first side wall by a first bottom wall; the first containing slot having a predetermined width for selectively accommodating the first conductive wire; the second containing slot is located between the second conductive plate and a second side wall spaced apart from the second conductive plate; an end of the second conductive plate is connected to the second side wall by a second bottom wall; nor does the combination suggest the second containing slot having a predetermined width for selectively accommodating the fuse.

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious, unless there is some direction in the selected prior art patents to combine the selected teachings in a manner so as to negate the patentability of the claimed subject matter. This principle was enunciated over 40 years ago by the Court of Customs and Patent Appeals in In re Rothermel and Waddell, 125 USPQ 328 (CCPA 1960) wherein the court stated, at page 331:

The examiner and the board in rejecting the appealed claims did so by what appears to us to be a piecemeal reconstruction of the prior art patents in the light of appellants' disclosure. ... It is easy now to

attribute to this prior art the knowledge which was first made available by appellants and then to assume that it would have been obvious to one having the ordinary skill in the art to make these suggested reconstructions. While such a reconstruction of the art may be an alluring way to rationalize a rejection of the claims, it is not the type of rejection which the statute authorizes.

The same conclusion was later reached by the Court of Appeals for the Federal Circuit in Orthopedic Equipment Company Inc. v. United States, 217 USPQ 193 (Fed.Cir. 1983). In that decision, the court stated, at page 199:

As has been previously explained, the available art shows each of the elements of the claims in suit. Armed with this information, would it then be non-obvious to this person of ordinary skill in the art to coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of non-obviousness in a court of law.

In In re Geiger, 2 USPQ2d, 1276 (Fed.Cir. 1987) the court stated, at page 1278:

We agree with appellant that the PTO has failed to establish a *prima facie* case of obviousness. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination.

Applicant submits that there is not the slightest suggestion in either Lin, Yen, or Klemp that their respective teachings may be combined as suggested by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Neither Lin, Yen, nor Klemp disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's amended claims.

Summary

In view of the foregoing, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should the Examiner not be of the opinion that this case is in condition for allowance, it is requested that this amendment be entered for the purposes of appeal, since it materially reduces the issues on appeal by cancelling claims 23 and 24, thereby rendering moot the outstanding rejections under 35 U.S.C. § 102.

Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

Date: October 7, 2005

By:



Bruce H. Troxell
Reg. No. 26,592

TROXELL LAW OFFICE PLLC
5205 Leesburg Pike, Suite 1404
Falls Church, Virginia 22041
Telephone: 703 575-2711
Telefax: 703 575-2707